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10/715,954	11/17/2003	Peter D. Baker	705593.4001	4464

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EXAMINER	
JEAN GILLES, JUDE	

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/715,954	BAKER ET AL.	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to the Reply filed on 07/09/2007.

Response to Amendment/Arguments

2. Claims, 1-20 remain pending in the application with claims 1, 7, and 17 amended. No claim has been cancelled herein. Claims 1-20 represent a method and apparatus for a "LAN SWITCHING METHOD AND LAN SWITCH."

Applicant's arguments with respect to claims 1, 7, and 17 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the existing ground of rejection as explained here below. Applicants' amendments to the independent claims are not properly made and as to perhaps place them in condition for allowance.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Applicant's Request for Reconsideration filed on 07/09/2007has been carefully considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention:

A: Applicant contends that Maari teaches the use of different keys for different consumers (players), but does not teach the use of different algorithms for different consumers. Maari, 9:24,36. Significantly, Maari teaches using a single encryption algorithm to encrypt and decrypt the digital content. The system of Maari, which uses hardware circuits to implement the encryption algorithm, would not be able to change the encryption algorithm itself (as opposed to merely the encryption key) on demand, i.e. with each download of digital content.

B: Applicant submits that Similarly, claim 7, as amended, recites" receiving decryption information comprising a decryption algorithm generated on demand from the content provider." Similarly, claim 17, as amended, recites "generating on demand a decryption algorithm for decrypting the encrypted digital content". Because Maari fails to teach, and in fact directly teaches away from, the generation of encryption/decryption algorithms on demand, claims 7 and 17, and their dependent claims 8-16, 18-20 are likewise not obvious over Maari, even in combination with Baker, and thus this Claim is allowable over these references. Note that each encryption/decryption key is generated using a specific algorithm and that the invention of the prior art reference is not restricted to using one algorithm for every key that is part of a request/demand for encryption/decryption.

It is the position of the Examiner that Maari in detail teaches the limitations of the above mentioned claims. However, in view of Applicant's remarks, The Office

respectfully concludes that the applicant mischaracterizes the teachings of Maari and that the argument above is moot. Maari does not disclose a single encryption algorithm as portrayed be the applicant. Maari disclose an encryption algorithm that is generated to produce a key everytime a reqeast/demand for content is performed (see claim 6 disclosure; see column 24, and 25);

As to point B, see point A, above , and the rejection of claims 1, 7, and 11 below

Examiner notes that no new matter has been added and that the new claims are supported by the application as filed. However, applicant has failed in presenting claims and drawings that delineate the contours of this invention as compared to the cited prior art. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 103(a) rejections applied against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-20,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maari, U.S. Patent No. 7,120,604 B2 in view of Baker et al et al (Baker), U.S. Patent No 6,493,761 B1.

Regarding **claim 1**, Maari teaches the invention substantially as claimed. Maari discloses a method of securely distributing digital content a (figs. 1, 4, and 5), comprising:

receiving a content distribution request from a content user (column 7, lines 19-23);

retrieving a digital content item in response to the content distribution request (column 7, lines 29-37);

generating on-demand a first encryption algorithm for encrypting the digital content item (column 7, lines 29-37; column 40, lines 27-39; *Note that Encoding is the process of converting one digital format to another, applying known algorithms to either obscure the content of the file, or to compress or convert it to another format*); and

transmitting the encrypted digital content item to the content user (column 7, lines 19-37; column 34, lines 1-8). However Maari does not specifically disclose the steps of "configuring a protocol parsing engine to encrypt the digital content item, using the first encryption algorithm; and encrypting the digital content item using the configured protocol parsing engine"

In the same field of endeavor, Baker discloses a method in which "...*Systems and methods for data processing using a protocol parsing engine...[see Baker, title and abstract]... and specifically a method for parsing data according to configurable criteria, the method comprising steps of: storing in a first data storage device a plurality of programmably configurable protocol descriptions that define a plurality of control character characteristics of the data; storing in a second data storage device a*

program for controlling a data parsing function to be executed by a processing unit, the program including instructions for causing the processing unit to selectively retrieve at least one of the programmably configurable protocol descriptions from the first data storage device and to vary the execution of the data parsing function based upon the at least one retrieved protocol description file; delivering the program for controlling the data parsing function to the processing unit; delivering the data to the processing unit; and enabling the processing unit to execute the data parsing function...[see Baker; column 51, lines 51-67].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Baker's teachings of a method using configuring a protocol parsing engine to encrypt the digital content item, using the first encryption algorithm, with the teachings of Maari, for the purpose of "*...providing a to improved systems and methods for parsing, searching, filtering, gathering statistics, and converting data files generated by any data editor, using character sets and editor controls definitions that can be programmably defined* ..." as stated by Baker in lines 65-67 of column 2, and lines 1-9 of column 3. By this rationale **claim 1** is rejected.

Regarding claims 2-20, the combination of Maari–Baker discloses:

2. The method of claim 1, further comprising generating a first encryption key (see Maari; column 6, lines 5-26).

3. The method of claim 2, wherein the configuring step further comprises using the first encryption key (see Maari; column 6, lines 5-26).

4. The method of claim 1, further comprising recording an encryption identifier adapted to identify the first encryption algorithm (see Maari; column 6, lines 5-26).

5. The method of claim 1, wherein the first encryption algorithm is different from a second encryption algorithm, the second encryption algorithm being a previously generated encryption algorithm used to encrypt a second digital content item transmitted to a second content user (see Maari; column 24, lines 54-67).

6. The method of claim 1, wherein generating the encryption algorithm comprises retrieving the encryption algorithm from a pool of encryption algorithms (see Maari; column 6, lines 5-26).

7. A method of securely accessing encrypted digital content, comprising:

requesting from a content provider access to encrypted digital content (see Maari; column 7, lines 19-23);

receiving decryption information comprising a decryption algorithm generated on demand from the content provider (see Maari; column 5, lines 3-13; column 42, lines 1-5);

decrypting the encrypted digital content using the decryption information (see Maari; column 5, lines 3-13; column 42, lines 1-23; [see Baker; column 51, lines 51-67]);

accessing the decrypted digital content (see Maari; column 5, lines 3-13; column 42, lines 1-23); and

deleting the decryption information (see Maari; column 8, lines 21-33).

8. The method of claim 7, wherein the encrypted digital content is stored locally (see Maari; column 7, lines 19-39).

9. The method of claim 7, wherein the decryption information comprises an executable decryption code module (see Maari; column 8, lines 5-16).

10. The method of claim 9, wherein the executable decryption code module is created on demand by the content provider [see Baker; column 51, lines 51-67].

11. The method of claim 10, wherein the executable decryption code module is created by a protocol description configured to generate executable code [see Baker; column 51, lines 51-67].

12. The method of claim 7, wherein the received decryption information is stored in volatile memory [see Baker; column 51, lines 51-67].

13. The method of claim 7, wherein the decrypted digital content is stored in volatile memory [see Baker; column 51, lines 51-67].

14. The method of claim 7, further comprising deleting the decrypted digital content once it has been accessed (see Maari; column 7, lines 19-37; column 34, lines 1-8)..

15. The method of claim 7, further comprising receiving encryption information from the content provider and re-encrypting the decrypted digital content, using the encryption information (see Maari; column 5, lines 3-13; column 42, lines 1-23).

16. The method of claim 15, wherein the encryption information is different from second encryption information used to initially encrypt the decrypted digital content (see Maari; column 5, lines 3-13; column 42, lines 1-23).

17. A method of providing secure access to encrypted digital content, comprising:

receiving a request to access encrypted digital content;

~~retrieving~~ generating on demand a decryption algorithm for decrypting the encrypted digital content (see Maari; column 7, lines 19-29);

configuring a protocol description to generate a code module for decrypting the encrypted digital content, using the decryption algorithm [see Baker; column 51, lines 51-67; see also abstract and title];

generating the code module for decrypting the encrypted digital content, using the configured protocol description [see Baker; column 51, lines 51-67; see also abstract and title];

transmitting the code module to the content user (see Maari; column 7, lines 19-37; column 34, lines 1-8)..

18. The method of claim 17, wherein the code module comprises an executable code module (see Maari; column 7, lines 19-37; column 34, lines 1-8)..

19. The method of claim 17, wherein the request to access encrypted digital content comprises an identifier identifying the digital content (see Maari; column 6, lines 5-26).

20. The method of claim 19, wherein retrieving the decryption algorithm comprises regenerating a decryption algorithm, based on the identifier (see Maari; column 5, lines 3-13; column 42, lines 1-23).

Conclusion

5. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

September 15, 2007

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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